

Form PTO-1390 (REV. 11-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY DOCKET NUMBER 5470-368	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37 CFR 1.5)	
				10/511989	
INTERNATIONAL APPLICATION NO. PCT/US2003/013562		INTERNATIONAL FILING DATE April 30, 2003		PRIORITY DATE CLAIMED April 30, 2002	
TITLE OF INVENTION <i>CATERPILLER GENE FAMILY</i>					
APPLICANT(S) FOR DO/EO/US Ting et al.					
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:					
<ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below. 4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ol style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4) 7. <input type="checkbox"/> Amendments to the claims of the International Application Under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report Under PCT Article 36 (35 U.S.C. 371(c)(5)). 					
Items 11 to 21 below concern document(s) or information included: <ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. 14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 15. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 16. <input type="checkbox"/> A substitute specification. 17. <input type="checkbox"/> A change of power of attorney and/or address letter. 18. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825. 19. <input checked="" type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4) 21. <input checked="" type="checkbox"/> Other items or information: Paper copy of Sequence Listing; Statement in Support of Sequence Listing; Return Postcard 					

INTERNATIONAL APPLICATION NO. 10/511989			INTERNATIONAL FILING DATE April 30, 2003		PRIORITY DATE CLAIMED April 30, 2002	
22. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a) (1) - (5)):					CALCULATIONS PTO USE ONLY	
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....					\$1110.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....					\$950.00	
International preliminary examination fee 37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....					\$780.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4).....					\$750.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....					\$100.00	
ENTER APPROPRIATE BASE FEE AMOUNT =					\$950.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).					\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$		
Total claims	54 - 20 =	34	x \$18.00	\$612.00		
Independent Claims	11 - 3 =	8	x \$88.00	\$704.00		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$300.00	\$		
TOTAL OF ABOVE CALCULATIONS =				\$2266.00		
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2				\$1133.00		
SUBTOTAL =				\$1133.00		
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$		
TOTAL NATIONAL FEE =				\$		
Fee for Recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$		
TOTAL FEES ENCLOSED =				\$1133.00		
				Amount to be refunded:	\$	
				charged:	\$	
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$1133.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 50-0220 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0220. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p>						
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Myers Bigel Sibley & Sajovec, P.A. P. O. Box 37428 Raleigh, North Carolina 27627 Telephone: (919) 854-1400 Facsimile: (919) 854-1401 Customer No. 20792</p>						
				<p><i>Karen Magri</i> Karen A. Magri Registration No. 41,965 Date: <u>Oct 21, 2004</u></p>		
<p>CERTIFICATE OF EXPRESS MAILING Express Mail Label No. 472511662 Date of Deposit: October 21, 2004 I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450.</p> <p><i>Sarah Brunmeier</i> Sarah Brunmeier</p>						

DT05 Rec'd PCT/PTO 21 OCT 2004

Attorney Docket No. 5470-368

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ting et al.
Serial No.: TBD
Filed: Herewith
For: CATERPILLER GENE FAMILY

Date: October 21, 2004

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT IN SUPPORT OF FILING A
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)

Sir:

I hereby state that the content of the paper and computer readable copies of the Sequence listing, submitted concurrently herewith in accordance with 37 CFR § 1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

Respectfully submitted,



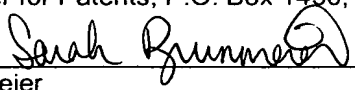
Karen A. Magri
Registration No. 41,965

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV472511662US

Date of Deposit: October 21, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Sarah Brunmeier

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